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PATENT

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Attorney's Docket Number: B0410/7207

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

In re Application of: Edward L. Sinofsky
Application No: 08/049,147
Filed: April 19, 1993
For: INFRARED LASER CATHETER SYSTEM
Examiner: David Shay
Art Unit: 3309

Petitioner, C. R. Bard, Inc., is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer, of either of prior Patents Nos. 4,950,266 and 5,196,004. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer in the event that either prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

CERTIFICATION UNDER 37 C.F.R., §3.73(b)

C.R. Bard, Inc., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 4445, Frames 0482-0483. A copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above. The

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undersigned (whose title is supplied below) is empowered to act on behalf of C.R. Bard, Inc.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

C.R. Bard, Inc.

July 22, 1994
Date

By

Jean F. Miller
Signature
Name: Jean F. Miller
Title: Assistant Secretary

Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

PTO suggested wording for terminal disclaimer was changed to incorporate a certification under 37 C.F.R. §3.73(b), and to recite multiple patents.

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